

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

City of South Bend,

Plaintiff,

v.

South Bend Common Council; Tim Corbett,
Dave Wells; Steve Richmond; Brian Young;
and Sandy Young,

Defendants.

Civil Case No. 3:12-CV-475 JVB

Brian Young; Sandy Young; Timothy Corbett;
David Wells; and Steve Richmond;

Plaintiffs,

v.

The City of South Bend, acting through its
Police Department; Darryl Boykins, Individually
and in his official capacity as Chief of Police;
Karen DePaepe; Scott Duerring;

Defendants.

Civil Case No. 3:12-CV-532 JVB

ORDER

Plaintiffs and Defendant City of South Bend in Case No. 3:12-CV-532 JVB filed a stipulation seeking dismissal of South Bend from the case. Defendant Karen DePaepe objects. She would like South Bend to remain in the case so that she can file a cross-claim against it. South Bend responded to the objection, arguing that Ms. DePaepe has no standing to object to the settlement and that, in any case, her attempt to file the cross-claim is belated.

In the exercise of its discretion, the Court will dismiss South Bend from this suite in Case No. 3:12-CV532 as requested by Plaintiffs and South Bend. Since Ms. DePaepe may still be able

to sue South Bend in a separate action if she so chooses, she is not prejudiced by this dismissal. Keeping South Bend in this case may have accommodated Ms. DePaepe, but her concerns are not the only consideration at stake here. Moreover, Ms. DePaepe's request for leave to file the cross-claim against South Bend comes months after the deadline for such motions. Finally, as Ms. DePaepe recognizes to some extent, the dismissal of South Bend from this case minimizes the efficacy of any cross-claim against South Bend, perhaps with the exception Ms. DePaepe's attorney's fees to date.

Therefore, in Case No. 3:12-CV-532, the Court grants the joint stipulation to dismiss Defendant City of South Bend (DE 97) and denies Ms. DePaepe's objection to the contrary (DE 100).

SO ORDERED on April 10, 2014.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE